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16 **UNITED STATES DISTRICT COURT**
17 **FOR THE DISTRICT OF NEVADA**

18 PETER DELVECCHIA, *et al.*,) **Case No: 2:19-CV-01322-KJD-DJA**
19)
20 Plaintiffs,)
21)
22 vs.) **STIPULATED MOTION TO EXTEND**
23) **DEPOSITION DEADLINE FOR**
FRONTIER AIRLINES, INC., *et al.*,) **DEFENSE EXPERT DR. STEPHANIE**
24 Defendants.) **HOLLAND**
25 _____)

26 Plaintiffs and Defendants, by their respective undersigned counsel, respectfully move this
27 Honorable Court for an Order permitting a further extension of the deadline for taking the deposition
28 Defendants' expert witness Stephanie Holland, PsyD ("Dr. Holland") after the discovery cutoff,
STIPULATED MOTION TO EXTEND DEPOSITION DEADLINE
FOR DEFENSE EXPERT DR. STEPHANIE HOLLAND

1 which is currently February 28, 2023, due to the unforeseen circumstances set forth herein. In support
2 of this Stipulated Motion, the parties jointly represent the following:

3 1. In this Court's Order entered September 30, 2022 on the parties' "Stipulated Motion
4 Regarding Certain Experts' Deadlines," ECF No. 210, the following deadlines were set:

5 (a) Dr. Ohler's expert report will be disclosed on time on September 30, 2022, but
6 her deposition may be taken by Defendants on a mutually agreeable date in January or February of
7 2023.

8 (b) The deadline for the initial disclosure of Dr. Holland's expert report is enlarged
9 to 30 days following the date of completion of her IME of Plaintiff A.D.

10 (c) The deadline for disclosure of a rebuttal expert report to Dr. Holland's expert
11 report is enlarged to 30 days following the date of disclosure of Dr. Holland's report.

12 (d) Plaintiffs may take Dr. Holland's deposition on a mutually agreeable date in
13 January or February of 2023.

14 2. The deposition of Dr. Lindsay Ohler, one of Plaintiffs' expert witnesses, was taken on
15 February 23, 2023 in compliance with subsection (a) of that Order.

16 3. When the parties filed the Stipulated Motion on which the Order is based in
17 September, 2022, they believed that the IME of Plaintiff A.D. by Defendants' expert witness Dr.
18 Stephanie Holland would have been completed, and her expert report would have been disclosed, in
19 time for her deposition to be taken by Plaintiffs in January or February of 2023, similar to the case
20 with Dr. Ohler's deposition.

21 4. However, the scheduling of the IME needed to await Judge Dawson's ruling on
22 certain objections filed by Plaintiffs pursuant to Fed.R.Civ.P. 72(a), and Judge Dawson's ruling on
23 those objections was recently entered on the docket on February 13, 2023 (ECF No. 231).

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5. As of the date of this Stipulation, the IME has not been scheduled. It is unlikely that it will be scheduled before the end of February, 2023.

6. Since Defendants have 30 days under subsection (b) of the Order to disclose Dr. Holland's expert report after the IME has been conducted, it will not be possible for Plaintiffs to take her deposition by the end of February as the parties originally anticipated. Under Fed.R.Civ.P. 26(b)(4)(A), Plaintiffs can only take Dr. Holland's deposition after her report is provided.

7. In light of those circumstances, which were unforeseen and beyond the parties' ability to control, the parties respectfully request that subsection (d) of the Order of September 30, 2022 (ECF No. 210) be amended to read: "(d) Plaintiffs may take Dr. Holland's deposition on a mutually agreeable date within 30 days following the date of disclosure of Dr. Holland's report, and Dr. Holland and defense counsel shall make themselves available for the deposition during that timeframe."

DATED this 28th day of February, 2023.

IT IS SO ORDERED

United States Magistrate Judge

Date:

SO STIPULATED:

/s/ John D. McKay
Attorney for Plaintiffs Peter DelVecchia
and A.D., a Minor

/s/ Brian T. Maye
Attorney for Defendants Frontier Airlines,
Inc., Rex Shupe and Scott Warren

**STIPULATED MOTION TO EXTEND DEPOSITION DEADLINE
FOR DEFENSE EXPERT DR. STEPHANIE HOLLAND**